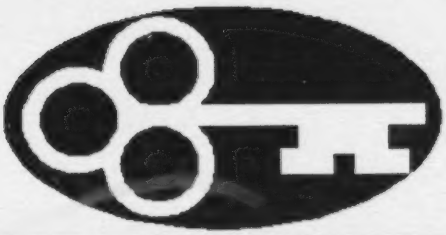

ANNUAL REPORT 2009-2010

Nunavut Information and Privacy Commissioner

Submitted by:

Elaine Keenan Bengts

Information and Privacy Commissioner

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NUNAVUT
INFORMATION
AND
PRIVACY
COMMISSIONER
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P.O. Box 382,
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July 27, 2010

Legislative Assembly of Nunavut
P.O. Bag 1200
Iqaluit, NU
X0A 0H0

Attention: Hon. James Arreak
Speaker of the Legislative Assembly

Dear Sir:

I have the honour to submit to the Legislative Assembly my Annual Report as the Information and Privacy Commissioner of Nunavut for the period of April 1st, 2009 to March 31st, 2010.

Yours truly,

Elaine Keenan Bengts
Nunavut Information and Privacy Commissioner

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COMMISSIONER'S MESSAGE

"Public sector information is a public resource. Subject to limited restrictions, it belongs to Canadians. The right to access government information is the necessary prerequisite to transparency, accountability and public engagement. In a knowledge-based economy, public sector information is essential to foster collaboration and innovation among public sector organizations, individuals and businesses."

Suzanne Legault, Acting Information Commissioner of Canada
2009/2010 Annual Report

Every year, my appreciation of the importance of the *Access to Information and Protection of Privacy Act* grows. It keeps us focused on openness and accountability. Accountable government is better government, is fairer government, is more effective government. The ability to challenge government creates the opportunity to direct policy and make government more focused on what Nunavummiut consider important. That's true whether or not the Act is widely used. The very fact that it is there, and can be used to challenge government is often enough to reinforce to government that it acts on behalf of the people and not in spite of the people. I have attached a news article which appeared in the New York Times on June 28th, 2010 as an appendix to this annual report. This article shines a light on just how important it can be to be able to seek and obtain information from government, even when that government is democratically elected.

It has, in fact, been another quiet year for the Information and Privacy Commissioner. I opened only five files and, of those, two were requests from government departments for comments on the privacy implications of certain projects or proposed legislation, rather than issues arising out of access to information requests. The few matters which came to me, however, is not an indication that the Act is not necessary or is not working the way it should. To the contrary, I would suggest that it reinforces how well the Act is working in Nunavut. My office deals only with those who are unhappy with the way public bodies react to their requests under the Act. I know full well that Nunavummiut are taking advantage of the provisions of the *Access to Information and Protection of Privacy Act* to seek access to

government records that concern or interest them. The requests for information are most definitely being received by public bodies. The fact that I am getting very few Requests for Review tells me that the Government as a whole is doing an excellent job of responding to applicants fully and efficiently.

The privacy provisions of the Act, however, continue to require more attention. We live in an age where information - personal information in particular - is a valuable commodity. Governments collect more personal information about each and every person who lives or works in the community and the Government of Nunavut is no different. It holds a veritable treasure trove of personal information.

> The protection of citizens' personal data is vital for any society, on the same level as freedom of the press or freedom of movement. As our societies are increasingly dependent on the use of information technologies, and personal data are collected or generated at a growing scale, it has become more essential than ever that individual liberties and other legitimate interests of citizens are adequately respected.
>
> Joint Communique of Privacy Commissioners issued after the Conference of Data Protection and Information Commissioners, London, 2006

Perhaps the information about ourselves that we feel most cautious about sharing with others is information about our health. Nunavut is now the only Canadian jurisdiction which hasn't passed or started the process of working toward legislation to address health privacy issues and how privacy will be assured in the age of electronic health records. On a more fundamental level, Nunavut has yet to take any action on the recommendation first made in my Annual Report ten years ago and repeated in every Annual Report since then, that the Legislative Assembly take steps to amend the *Access to Information and Protection of Privacy Act* to provide for formal oversight of the privacy provisions of the Act. The rules requiring public bodies to protect personal information are there, but they are completely unen-

forceable. It is certainly laudable that we have rules with respect to the collection, use and disclosure of personal information, but they provide no protection whatsoever if there are no consequences for breaching the rules, or if there is never any review of breaches to determine how they happened and how they can be prevented or avoided in the future. The rules are nothing but window dressing without some kind of official oversight. In this day and age, that is simply not good enough. And when it comes to health information, the significance of a lack of appropriate rules and direction is even more concerning. The Government of Nunavut must do a better job on the privacy side of the coin, and that begins with legislation which has some teeth.

THE HISTORY OF THE *ACCESS TO INFORMATION AND PROTECTION OF PRIVACY ACT*

The *Access to Information and Protection of Privacy Act* (ATIPPA) of the Northwest Territories came into effect on December 31st, 1996 and became part of the law of Nunavut when the Territory was created. It binds all Territorial Government departments and agencies and establishes the rules about how public bodies can collect, use and disclose personal information. It also outlines a process through which the public can obtain access to government records. The office of the Information and Privacy Commissioner (IPC) is created by the legislation to provide independent advice and review on questions that arise in the implementation and interpretation of the Act. The IPC is an independent officer of the Legislature and is appointed by the Commissioner of Nunavut on the recommendation of the Legislative Assembly. She reports to the Legislative Assembly of Nunavut. As an independent officer, the IPC can be only be removed from office "for cause or incapacity" on the recommendation of the Legislature.

WHAT IS ACCESS TO INFORMATION?

The term "access to information" refers to the right of the public to have access to general records relating to the activities of government, ranging from administrative and operational records, to legislative and policy records. It plays a fundamental role in maintaining accountability of the government to the people of the Territory and provides a means for the public to ensure that government remains open and transparent. Under the Act, the public is given the right to request access to all "records" in the possession or control of a public body and provides a process for such requests. There are some records that are protected from disclosure, but the exceptions are narrow and finite. Most of the exceptions function to protect individual privacy rights, allow elected representatives to research and develop policy and the government to run the "business" of government. The Supreme Court of Can-

ada has clearly stated that exemptions to disclosure provided for in access to information legislation should be narrowly interpreted so as to allow the greatest possible access to government records.

WHAT IS PROTECTION OF PRIVACY?

As implied by the name, the Access to Information and Protection of Privacy Act also has rules which are focused on protecting individual privacy. By its very nature, government collects and retains significant amounts of information about individuals. If you go to school, see a doctor, get a driver's license, apply for a fishing license, or have any other dealings with government, the process usually includes the collection and retention of information about you as an individual by the government body. The ATIPP Act provides rules for when and how public bodies can collect your personal information, what they can use it for once they have collected it, and when the information can be disclosed to another public body or the general public. It also provides a mechanism which allows individuals the right to see and make corrections to information about themselves in the possession of a government body.

WHO DOES THE ACT APPLY TO?

ATIPPA applies to all government departments and most agencies, boards and commissions established by the government. A full list of the public bodies which must comply with the Act are listed on the web site of the Legislative Assembly of Nunavut, under "Access and Privacy". Any person, whether they live in Nunavut or any other part of the world, may request access to a government record. In some cases, however, there is a small fee ($25.00) for making a request for access to a government record.

WHAT DOES THE INFORMATION AND PRIVACY COMMISSIONER DO?

The role of the Information and Privacy Commissioner is to provide an independent, non-partisan oversight of decisions made by public bodies in Nunavut in relation to requests made under the Access to Information and Protection of Privacy Act for access to information. The Information and Privacy Commissioner also has an informal obligation to comment on and suggest policy and other changes aimed at ensuring the security and protection of the personal information of individuals held by the Government of Nunavut.

HOW DO THE ACCESS TO INFORMATION PROVISIONS WORK?

To obtain a record from a public body, a request must be made in writing and delivered to the public body from whom the information is sought. When an applicant is not certain who his or her request should be sent to, it can be sent to the Manager of Access to Information and Protection of Privacy who works in the office of the Executive and Intergovernmental Affairs and she will make sure that it is delivered to the right person in the appropriate public body. Although there are forms are available on which a request for information can be made, such a request does not need to be in any particular form. The only requirement is that the request be in writing. This would include a request made by e-mail but where a request is made by e-mail, it may not be considered complete until the public body receives confirmation of the request with the applicant's signature. Requests for information are subject to a $25.00 application fee except in cases where the information requested is the applicant's own personal information. In such cases, there is no application fee, although there may be a fee for copying records in certain circumstances.

When a request for information is received, the public body has a duty to identify all of the records which are responsive to the request. Once all of the responsive documents are identified, they are reviewed to determine if there are any records or parts of records which should not be disclosed for some reason. The public body must endeavor to provide the ap-

plicant with as much of the requested information as possible, while at the same time respecting the limited exceptions to disclosure specified in the Act. In most cases, the response must be provided within 30 days after it is received. The public body may, however, extend the time for responding in certain circumstances, provided that they advise the applicant that the response will be delayed and the reason for the delay.

If a response is not received within the time frame provided under the Act, or if the response received is not satisfactory, the applicant can ask the Information and Privacy Commissioner to review the decision made.

WHAT KIND OF INFORMATION DOES NOT HAVE TO BE DISCLOSED?

There are both mandatory and discretionary exemptions from disclosure provided for in the Act. For example, where the disclosure would constitute an unreasonable invasion of a third party's privacy, the public body is prohibited from disclosing a record. On the other hand, some of the exceptions are discretionary, in which case the public body must weigh the pros and the cons of disclosing the record and use its discretion in determining whether or not to disclose, keeping in mind the purposes of the Act and the weight of court authority which requires public bodies to err on the side of disclosure. For example, a public body has the discretion to disclose or refuse to disclose information where there is a reasonable possibility that the disclosure could prejudice a law enforcement matter.

CORRECTING PERSONAL INFORMATION

Every person has the right to ask for information about themselves. If an individual finds information about themselves on a government record which they feel is misleading or incorrect, a request in writing may be made to correct the error. Even if the public body does not agree to change the information, a notation must still be made on the file that the individual has requested a correction.

WHAT POWER DOES THE INFORMATION AND PRIVACY COMMISSIONER HAVE?

When dealing with access to information issues, the Information and Privacy Commissioner generally does not have any power to make binding orders. Rather, in most cases her role is similar to that of an Ombudsman. Once the Information and Privacy Commissioner has investigated the matter, she prepares a report to the head of the public body, evaluates the decisions made by the public body in determining what records were and were not disclosed, and makes recommendations based on her findings. The Recommendations are made to the head of the public body involved and a copy is provided to the Applicant as well. The head of the public body must then make a final decision as to how the government will deal with the matter. If, in the end, the person seeking the information is not satisfied with the decision made by the head of the public body, there is recourse to the Nunavut Court of Justice for a final determination of the matter.

PROTECTION OF PRIVACY

Part II of the Access to Information and Protection of Privacy Act sets out the rules about how public bodies can collect personal information, how they can use it once it has been collected and how and when they can disclose it to others. The Act also requires public bodies to ensure that they maintain adequate security measures to ensure that the personal information which they collect cannot be accessed by unauthorized personnel. This Part of the Act also provides the mechanism for individuals to be able to ask the government to make corrections to their own personal information when they believe that an error has been made.

BREACH OF PRIVACY?

The Information and Privacy Commissioner has no formal legislated authority to receive a complaint about a breach of privacy, or to do an investigation or make recommendations. Notwithstanding the lack of a formal mandate in this regard, this office routinely accepts complaints and undertakes investigations and provides reports and recommendations when a member of the public complains that their personal information has been improperly collected, used or disclosed by a public body. There is no requirement that a public body respond to such recommendations or even that they co-operate with the Information and Privacy Commissioner in her investigation of such complaints.

REQUESTS FOR REVIEW

Under section 28 of the Access to Information and Protection of Privacy Act, a person who has requested information from a public body, or a third party who may be affected by the disclosure of information by a public body, may apply to the Information and Privacy Commissioner for a review of the public body's response to an access request. This includes decisions about the disclosure of records, corrections to personal information, time extensions and fees. The purpose of this process is to provide an impartial and non-partisan avenue for review and independent oversight of decisions made by public bodies in connection with access to information matters.

A Request for Review must be made in writing to the Information and Privacy Commissioner's Office within 30 days of receiving a decision from a public body under the Act. There is no fee for a Request for Review.

When the Information and Privacy Commissioner receives a Request for Review, she will take steps to determine what records are involved and obtain an explanation from the public body as to the reasons for their decisions. In most cases, the Commissioner will receive a copy of

the responsive documents from the public body involved and will review the records in dispute.

In some cases, it may be necessary for the Information and Privacy Commissioner to attend the government office to physically examine the public body's files.
Generally, an attempt will first be made by the Commissioner's Office to mediate a solution satisfactory to all of the parties. In several cases, this has been sufficient to satisfy the parties. If, however, a mediated resolution does not appear to be possible, the matter moves into a more in depth review.

All of the parties involved, including the public body, are given the opportunity to make written submissions on the issues.

THE YEAR IN REVIEW

In the 2009/2010 fiscal year, the Information and Privacy Commissioner's Office opened only five (5) files. Of these, one was a request by a public body for comment about on a privacy impact assessment done by the public body in connection with a large project in the health sector. One was a Request for Review with respect to an Access to Information request. Two were in connection with breaches of privacy or alleged breaches of privacy and one was a request for comment on another health related issue.

The requests involved three government bodies:

- Department of Health and Social Services
- Department of Justice
- Legislative Assembly

REVIEW RECOMMENDATIONS MADE

There was one Review Recommendation issued in 2009/2010. The issue was whether or not the Department of Justice had used "every reasonable effort" to assist the Applicant to obtain the information he needed. The problem, in this case, stemmed from the fact that the information requested was very dated. The Applicant was attempting to gather information about himself necessary to make an application for compensation under the Residential Schools settlement. In particular, he was looking for information in connection with his incarceration in the late 1970's in what is now Nunavut but was, at the time, the Northwest Territories.

The public body had a difficult time locating the information requested. The Applicant's lawyer, who made the application on the client's behalf, was unconvinced that this kind of information was not available. He felt that corrections records were the kind of record that their previous and enduring existence should not be in doubt and that, in those circumstances, it was reasonable to expect that the Department of Justice would have to go to considerable lengths to locate the records before they could be considered to have "made every reasonable effort" to find them.

The public body outlined the steps they had taken to assist the Applicant, which were considerable, including contacting officials in the Northwest Territories. The records simply could not be found. They cited a number of circumstances which they felt added to the difficulty in finding the records and the possibility that they simply no longer existed.

The Review Recommendation made by the Information and Privacy Commissioner accepted that the public body had made "every reasonable effort" as required by the Act to find the records in question. She acknowledged that there were a number of factors which probably came into play which contributed to the inability to find the records, most of which related to the fact that the records requested are some 30 years old, predating the use of computers for

everyday storage of data and representing a time when records management in the north was less than stellar. Furthermore, the records pre-dated the division of the Northwest Territories and Nunavut, which was a further complication.

The Information and Privacy Commissioner did, however, make some recommendations to the Department of Justice to assist it in responding to other applications for information made by individuals who were seeking information in connection with the Residential Schools settlement.

LOOKING AHEAD

Every year I make some recommendations for change with a view to making the process more accessible, effective and efficient. Many of my recommendations have been made more than once. Some recommendations, which I consider particularly important, have been repeated a number of times. Although perfection is not possible, improvement is, and I encourage the Legislative Assembly to consider giving some priority to those recommendations which have been made several times.

1. Privacy Oversight

I have referred to this issue several times in this Report. The Access to Information and Protection of Privacy Act outlines rules and regulations with respect how government can collect, use and disclose personal information. One of the goals of the Act is to ensure that the personal information that public bodies collect is used only for the purposes it is collected and that it is not disclosed except in accordance with the Act. The rules are clear and focused. Unfortunately, however, they are unenforceable. There is no mechanism provided for in the Act to ensure compliance or allow redress when the rules are not followed. The only provision which deals with breaches of the privacy rules under the Act is Section 59 (1) which provides that any person who knowingly collects, uses or discloses personal information in contravention of the Act or the regulations is guilty of an offence punishable on summary conviction and liable to a fine not exceeding $5,000. This does not serve as a deterrent, nor encourage public bodies to give the privacy protections inherent in the Act the attention they deserve. Furthermore, most privacy breaches are not intentional but are a result of poor policy or poor enforcement of policies, or a simple lack of attention and focus. These are not issues that can be addressed by section 59(1) which requires a willful act. I have yet to receive a complaint that someone knowingly and intentionally collected, used or disclosed information contrary to the Act. In all privacy complaints I have dealt with so far, the privacy

breach was unintentional or inadvertent or simply done without thought about the privacy implications. This doesn't make the breach any more acceptable or any less harmful to the individual whose privacy has been breached, but the Act provides no redress and no solution.

Secondly, in order for Section 59 to apply, someone must take the step of having a charge laid under the act and prosecuted by someone. That is unlikely to happen except in most egregious of circumstances.

Thirdly, fining someone for intentionally contravening the Act will not focus attention on problems in a way that will encourage review and changes so as to prevent the same kind of breach from happening again.

What is needed is a way to catch imperfections in the way government agencies collect, use and disclose personal information, and address those imperfections with new policies, procedures and education. It seems to me that a formal independent oversight function could address this issue and allow members of the public who feel that their personal information has been collected, used or disclosed contrary to the Act a way to address their concerns in a more effective way.

If the privacy rules were thought important enough to put into the legislation, they are important enough to deserve a way in which to monitor and assess whether they are being followed. I therefore, once again, recommend that amendments be made to the Act to allow for a review process where there is a concern that someone's personal information has been improperly collected, used, or disclosed.

2. Limitation Period for Requesting Reviews

This is also a recommendation I have made in previous years. The time frames provided in the Act for responding to an access request and for asking for a review are quite short, con-

sidering the fact that mail in the north can be quite slow and technology is not always available or reliable. An Applicant has only 30 days after receiving a response to an access request to seek a review from this office.

Because the Act does not give the Information and Privacy Commissioner any jurisdiction to review a request made after the deadline, or to extend the time where appropriate, the Request for Review cannot proceed if the Request for Review is received after the 30 day time frame provided for in the Act. This means that the only way for an individual to have his concerns reviewed is to start all over again and hope that the deadlines are met the second time. This results in a duplication of effort for the public body and delay for the Applicant. The process is already a fairly lengthy one and, to borrow a phrase, "access to information delayed is access to information denied".

Practically speaking, the only instance in which a limitation period for asking for a Request for Review has real relevance is where the public body has decided to disclose information and a third party objects to that disclosure. In such a case, unless the Request for Review by the third party is received within the 30 days, the information will be disclosed at the end of those 30 days and the third party who has missed the limitation period will be out of luck.

In order to correct this problem, it would be my recommendation that the Information and Privacy Commissioner be given discretion to extend the time for requesting a review in appropriate circumstances, except in the case where the issue involves a third party objection to the disclosure of information. It may also be appropriate to consider extending the time for asking for a review from 30 days to 45 or 60 days.

3. Legislative Review

The Access to Information and Protection of Privacy Act is now 10 years old. There have been no substantive changes to the legislation and no real review of the legislation or its ef-

fectiveness. The world has changed dramatically in ten years, particularly in its capacity to move and exchange information, and if the legislation is to continue to be effective, it must change to deal with those technologies. Most other jurisdictions in Canada have recently completed or are in the process of doing a review of their access and privacy legislation. It may be time for such a review to be done in Nunavut.

4. Health Specific Privacy Legislation

Nunavut needs to begin the process of creating separate legislation to deal with privacy of health records. The country is charging into the era of electronic health records and electronic medical records. Every jurisdiction in Canada, other than Nunavut, has now either passed health specific privacy legislation or is developing such legislation to address the very real privacy concerns raised by electronic records. The issues are significant and complicated. All Canadian jurisdictions are talking about an integrated electronic health record system to allow any person in Canada to be able to access their electronic medical records, no matter where they happen to be in the country. The challenges of such a system are enormous, but there seems to be the will in most of the country to make it happen, even if it is still many years away. Nunavut's needs are unique and, arguably, is the jurisdiction in Canada that most needs to be able to control how the personal health information of its people is used, shared and disclosed because so much of Nunavut's health needs are met by southern institutions and health information travels back and forth between Nunavut and other provinces in large doses. The needs of the people of Nunavut in relation to the protection of health care information may not be the same as the needs of those who live in larger jurisdictions which, by reason of size alone, allow more anonymity. This is an issue that Nunavut needs to address, sooner rather than later.

Appendix 1

Right-to-Know Law Gives India's Poor a Lever

By LYDIA POLGREEN
New York Times
June 28/2010

BANTA, India — Chanchala Devi always wanted a house. Not a mud-and-stick hut, like her current home in this desolate village in the mineral-rich, corruption-corroded state of Jharkhand, but a proper brick-and-mortar house. When she heard that a government program for the poor would give her about $700 to build that house, she applied immediately.

As an impoverished day laborer from a downtrodden caste, she was an ideal candidate for the grant. Yet she waited four years, watching as wealthier neighbors got grants and built sturdy houses, while she and her three children slept beneath a leaky roof of tree branches and crumbling clay tiles.

Two months ago she took advantage of India's powerful and wildly popular Right to Information law. With help from a local activist, she filed a request at a local government office to find out who had gotten the grants while she waited, and why. Within days a local bureaucrat had good news: Her grant had been approved, and she would soon get her check.

Ms. Devi's good fortune is part of an information revolution sweeping India. It may be the world's largest democracy, but a vast and powerful bureaucracy governs. It is an imperial edifice built on feudal foundations, and for much of independent India's history the bureaucracy has been largely unaccountable. Citizens had few means to demand to know what their government was doing for them.

But it has now become clear that India's 1.2 billion citizens have been newly empowered by the far-reaching

law granting them the right to demand almost any information from the government. The law is backed by stiff fines for bureaucrats who withhold information, a penalty that appears to be ensuring speedy compliance.

The law has not, as some activists hoped, had a major effect on corruption. Often, as in Ms. Devi's case, the bureaucracy solves the problem for the complaining individual, but seldom undertakes a broader inquiry.

Still, the law has become part of the fabric of rural India in the five years since it was passed, and has clearly begun to tilt the balance of power, long skewed toward bureaucrats and politicians.

"The feeling in government has always been that the people working in government are the rulers, and the people are the ruled," said Wajahat Habibullah, the central government's chief information commissioner. "This law has given the people the feeling that the government is accountable to them."

Rajiv Gandhi, a former prime minister, once said that only 15 percent of spending on the poor actually reached them — the rest was wasted or siphoned off.

That figure may have changed in the decades since he uttered it, but few Indians doubt that a good chunk of the roughly $47 billion budgeted this fiscal year to help impoverished citizens is lost.

India's Right to Information law has given the poor a powerful tool to ensure they get their slice of that cake. The law, passed after more than a decade of agitation by good-government activists, has become embedded in Indian folklore. In the first three years the law was in effect, two million applications were filed.

Jharkhand is an eastern Indian state where corruption and incompetence are rife, fueled by mineral wealth and the political chaos that has gripped the state since it was carved out of the state of Bihar in 2000. Here the rural poor are using the law to solve basic problems. Their success stories seem like the most minor of triumphs, but they represent major life improvements for India's poorest.

In one village near Banta, a clinic that was supposed to be staffed full time by a medical worker trained to diagnose ailments like malaria and diarrhea and provide care to infants and expectant mothers had not been staffed regularly for years. A local resident filed a request to see worker attendance records. Soon the medical worker started showing up regularly.

The worker, Sneha Lata, an assistant midwife whose government salary is $250 a month, denied that she had been neglecting her post. She said the information law was a nuisance. "Because of this law I have to listen to all these complaints," she said. But with villagers now watching, she dares not miss work.

In a nearby hut, Ramani Devi sewed a blanket for a grandson born nine days earlier. In years past she would have been in the fields, toiling for a handful of change to make ends meet. As an elderly widow, Ms. Devi (no relation to Chanchala Devi) knew she was entitled to a $9 monthly government pension. That may not sound like much, but in a rural village, it is the difference between eating and starving.

Middlemen at the government office demand bribes of $20 to direct applications to the right bureaucrat, and many people ineligible for pensions were collecting them. When a local activist filed a request to find out which villagers were receiving pensions, Ms. Devi, who is a Dalit, formerly known as an untouchable, finally got her pension. Now she proudly shows off her savings account passbook.

Simply filing an inquiry about a missing ration card, a wayward pension application or a birth certificate is nowadays enough to force the once stodgy bureaucracy to deliver, activists here say.

But a more responsive bureaucracy is not necessarily less corrupt.

Sunil Kumar Mahto, 29, an activist in Ranchi, Jharkhand's capital, said he quickly learned that using the law to expose corruption was pointless. He gave the example of a road project. "The money was spent, but there was no road," Mr. Mahto said.

When he applied to find out what had happened, new money was allocated and the road was ultimately built. But no action was taken against whoever had pocketed the original money.

"The nexus of politicians, contractors and bureaucrats is very strong here," Mr. Mahto explained. "To get action against someone is very difficult."

Some critics wonder if the law is simply a pressure valve that allows people to get basic needs addressed without challenging the status quo. "It has been very successful in rooting out petty corruption," said Venkatesh Nayak of the Commonwealth Human Rights Initiative. "But our accountability mechanisms are weak, and transparency has no purpose without accountability."

But Shekhar Singh, an activist who fought for passage of the law, said that in a nation recovering from centuries of colonial and feudal oppression, fighting corruption was secondary.

"Our main objective was to empower citizens," Mr. Singh said. "This law has done that — given the people the power to challenge their government. That is no small thing."

Hari Kumar contributed reporting.